

Brussels
30 January 2014

To the attention of Mr Maina Kiai,
United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

Re.: WSRW's response to the UNHCHR Associations Questionnaire

Your Excellency,

Further to the call for information regarding the rights of freedom of peaceful assembly and of association in the context of natural resource exploitation, we have the privilege of returning to you the completed questionnaire for associations, obtained from the website of the UN High Commissioner for Human Rights.

Our organization, Western Sahara Resource Watch, is an independent, non-governmental organization, based in Brussels, with members in more than 40 countries worldwide. Our principle purpose is to research and comment about the taking of natural resources from occupied Western Sahara, and to address related human rights issues. It is on such basis that we have completed the questionnaire.

A few introductory paragraphs about the Western Saharan conflict and the territory's natural resources will serve as a background to the answers provided below.

When Spain abandoned its colony known then as the Spanish Sahara in 1975, Morocco immediately asserted a claim to the territory. However, such claims were refuted by the International Court of Justice (ICJ), which concluded that there was no ground for Morocco's claim to the territory and that there were no ties of sovereignty between Morocco and Western Sahara sufficient to affect the Saharawi people's right to self-determination.¹

In blatant disrespect of the ICJ's Opinion, a just-issued report of the UN General Assembly's Visiting Mission, and numerous UN resolutions requiring Morocco to refrain from entering and later, to leave the territory, Morocco invaded Western Sahara in October 1975. A bloody war ensued between Morocco and the Frente Polisario until the United Nations brokered a ceasefire agreement in 1991 in which both parties to the conflict agreed to a referendum on self-determination that would allow the people of Western Sahara to freely determine their future status. Since then, however, Morocco has obstructed the implementation of the referendum, and after the turn of the century it no longer hides its view that it will not allow the required referendum to take place. Both parties are engaged in UN-mediated peace talks, but Morocco has consistently blocked any advancement in the peace

¹ International Court of Justice, Western Sahara: Advisory Opinion of 16 October 1975, available at <<http://www.icj-cij.org/docket/files/61/6197.pdf>>.

process. One of Morocco's tactics that severely undermines the much needed good faith between the parties, is its continuous plunder of the Saharawi resources.

The UN continues to treat Western Sahara as a case of unfinished decolonization, and has accorded the territory the status of a Non-Self Governing Territory without appointing an administrative power.² On the ground, the territory is effectively divided in two parts, separated by a military fortified sand wall erected by Morocco during the years of war. Morocco holds the larger part of the territory to the west, while the Polisario Front acting through the government of the Saharawi Arab Democratic Republic controls the inland part.

The protracted nature of the conflict comes at a terribly high human cost. About half the Saharawi population of Western Sahara had to flee their homeland during Morocco's brutal invasion and the ensuing war. These people still live in Algerian refugee camps, where entire generations of Saharawis have grown up, surviving on dwindling international aid. One in four children suffer stunted growth and one in five are underweight, according to recent studies of the UN High Commissioner for Refugees and the World Food Programme.³ Meanwhile, the Saharawis that today still live in Western Sahara are subjected to gross human rights violations at the hand of the Moroccan authorities.⁴

There are presently three primary resources and three secondary (or minor) resources of concern in Western Sahara, namely (in order of estimated market value in 2014): (i) phosphate mineral rock (\$220 million); (ii) the Atlantic coastal fishery (\$60 million); (iii) seabed petroleum (\$0); followed by (iv) agricultural products (\$4 million); (v) sand aggregates (< \$1 million); (vi) salt (< \$1 million).⁵

The Saharawi people's right to self-determination has been repeated in over 100 UN resolutions, while no State in the world recognizes Morocco's purported claim to the territory. It is the continued denial of the Saharawi people's right to self-determination, which includes the right to freely dispose of their territory's natural resources, that lies at the heart of all other human rights violations committed by Morocco in the territory, including the rights to freedom of peaceful assembly and association, addressed in detail below.

² A list of the remaining UN designated Non-Self Governing Territories can be accessed here: <<http://www.un.org/en/events/nonselfgoverning/nonselfgoverning.sihhtml>>.

³ UNHCR and WFP, "Nutrition Survey, Saharawi Refugee Camps, Tindouf, Algeria: Report on Nutrition Survey and Anaemia Intervention Impact Analysis", March 2014.

⁴ These violations have been extensively documented by Human Rights Watch, Amnesty International, the US Department of State, the Robert F. Kennedy Center for Justice and Human Rights, among others. See *e.g.* Human Rights Watch, "World Report 2015", 29 January 2015: <http://www.hrw.org/sites/default/files/wr2015_web.pdf>.

⁵ These figures are estimates as of 31 January 2015, and are derived from direct observations and calculations of WSRW. No commercial petroleum has yet been recovered from the seabed on the coast of Western Sahara, although such activity began in the last days of 2014. Phosphate mineral rock remains the territory's largest value resource. See WSRW's 2014 report "P for Plunder" at: <www.wsrw.org>.

1. What are the particular challenges to exercising assembly and association rights in the context of natural resource exploitation in your country or region? For example, are all stakeholders affected by projects consulted, with their rights and concerns taken into account? Are peaceful assemblies facilitated or viewed as a nuisance? Are companies cooperative and understanding of the need to preserve individuals peaceful assembly and association rights?

International law accords the Saharawi people the right to self-determination; the right to decide the future status of their territory and its resources.⁶ As such, they have distinct and well-established right in international law to ownership over the territory's natural resources, undiminished as they await completion of the process of self-determination.

Taking the Saharawi people's right of self-determination as point of departure, a 2002 UN Legal Opinion prepared at the request of the UN Security Council concluded that "if further exploration and exploitation activities were to proceed in disregard of the interests and wishes of the people of Western Sahara, they would be in violation of the principles of international law applicable to mineral resource activities in Non-Self Governing Territories".⁷ This would imply prior and informed consultation, consent and subsequent benefit. None of these requirements has been met by Morocco in almost 40 years of occupation nor by governmental/corporate actors involved in the taking of Saharawi resources.

The internationally recognized representative organization for the Saharawi people, the Frente Polisario, has repeatedly protested Morocco's taking of Western Sahara's resources.⁸ In addition, Saharawi civil society groups from the occupied territories and others based in the Algerian refugee camps, have demonstrated their opposition either through letters to the involved companies and governments⁹, or through peaceful protests in the occupied territory which are without exception met with violence by the Moroccan police. We have included examples in the answer to question four, below.

Morocco does not allow registration of Saharawi groups that advocate human rights, the right to self-determination or independence or the right to resources, in spite of calls made in the UN Human

⁶ *International Covenant of Economic, Social and Cultural Rights*, article 1.

⁷ UN Security Council, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, S/2002/161, 12 February 2002: <http://www.wsrw.org/files/dated/2008-10-22/un_report_on_legality_oil.pdf>.

⁸ See e.g.: Letter of the Saharawi Government to the Governments of the European Union, 13 October 2013, <<http://www.spsrasd.info/en/content/urgent-president-republic-urges-eu-refrain-signing-new-fisheries-protocol-morocco>>, Letter of the Saharawi Government to the Government of New Zealand, 13 June 2014, <<http://www.spsrasd.info/en/content/mfa-requests-halt-import-new-zealand-phosphate-occupied-western-sahara>>, Letter of the Saharawi Government to the UN Secretary-General, 26 January 2015, <<http://www.spsrasd.info/en/content/president-republic-urges-un-security-council-stop-seabed-oil-drilling-coast-occupied-western>>.

⁹ See e.g. a copy of the letter sent Saharawi civil society groups from the occupied territory to Kosmos Energy, available on <<http://www.wsrw.org/a228x2984>>. A letter by the Saharawi journalists to Kosmos Energy can be found at <<http://www.wsrw.org/a228x2959>>. 26 Saharawi organisations asked Total to leave Western Sahara: <<http://www.wsrw.org/a217x2509>>.

Rights Council in Geneva.¹⁰ Saharawi groups persevere on an informal and fragmented basis, with their members subjected to violations of their basic human rights at the hand of the Moroccan authorities; intimidation, arbitrary arrests, threats, physical violence, and social marginalization. All of these have been well documented by credible, third party observers in recent years.

The Moroccan government has, at the request of prospective trade partners, allowed for limited consultation of the civil population in the occupied territory, either through its own government instigated bodies or by providing lists of associations which it considers stakeholders to interested companies, governments or their appointed consultants. Invariably those consulted or recommended for consultation are not associations or organizations that represent the Saharawi people. Rather, they have consistently been organizations representing the interest of the Moroccan government and Moroccan settlers. Examples have been included in the answer to question four, below.

In addition, the Saharawi people residing in the Algerian refugee camps, have never been consulted about the exploitation of their territory's resources. As stated by the Frente Polisario in a recent letter to the UN Secretary General regarding Morocco's oil development in Western Sahara:

We know of no consultation of the Saharawi people as such, either those under occupation or in the liberated areas or the refugee camps. International humanitarian law, including the 1949 Fourth Geneva Convention, would suggest that no meaningful consent can be given in the present circumstances of an armed occupation. In any event, it is not consultation or consent that the Saharawi people desire be engaged. We have been consistent in our rejection.¹¹

¹⁰ Many countries raised the issue during Morocco's second Universal Periodic Review. For further details, please see: UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, Morocco", 6 July 2012. A/HRC/21/3.

¹¹ Letter of the Saharawi Government to the UN Secretary-General, 26 January 2015, above note 8.

2. To what extent do these challenges stem from:
 - a. Gaps/inadequacies in the domestic or international legal framework (*e.g.*, laws on FOAA rights themselves, environmental laws, labour laws, trade agreements)
 - b. Government institutions (*e.g.*, ineffective enforcement, lack of independence, lack of capacity, corruption, lack of political will, independence of the judiciary)?
 - c. The broader business environment (*e.g.*, lack of voluntary guidelines or industry standards, deregulation/pro-business attitude by governments and the “race to the bottom”, unequal bargaining power for affected communities)
 - d. Business themselves (*e.g.*, focus on profits over rights, lack of interest in consulting local communities, willingness to leverage government corruption)
 - e. Any other factors

The challenges to exercising the rights to freedom of peaceful assembly and of association in Western Sahara ultimately stem from the continued denial of the Saharawi people’s right of self-determination, both by Morocco’s intransigence to allow such a referendum to take place and by the international community’s failure to comply with the promise made to the Saharawi people and its lack of political will to exert pressure on Morocco to follow-through on the implementation of the 1991 settlement plan.

There are no provisions in the Moroccan Constitution limiting freedom of association in relation to independence claims. However, the law of associations prohibits “associations that have an objective that is illegal, contrary to good morals or that aim to undermine Islamic religion, the *integrity of the national territory*, or the monarchical regime, or that call for discrimination”.¹² (On its face, this legislation is contrary to the several human rights treaties Morocco has acceded to.) Morocco views the Saharawi people's right of self-determination as a threat to its territorial integrity.¹³ In addition, local authorities refuse to accept applications from any Saharawi association that aims to further the right to self-determination.¹⁴

On the part of corporate and governmental interests in Western Sahara, there is a manifest failure to respect the Non-Self Governing Status of the territory, taken with the right to self-determination and the 2002 UN Legal Opinion. This in turn makes out the failure of corporations involved with trading in the territory’s resources to ensure the consent of the Saharawi people to such activities, and the tangible, transparent benefit to them should they have actually consented. This problem can be considered from the standpoint of a lack of adherence to basic principles of Corporate Social Responsibility, which includes provisions on human rights; the right to self-determination – the right

¹² Dahir n° 1-58-376, concerning the right to form associations, Article 3. Available in French here: <https://www.imolin.org/doc/amlid/Morocco/Morocco_Dahir_no_1-58-376_reglementant_le_droit_dassociation_1958.pdf>

¹³ See *e.g.* the Moroccan King’s speech on the occasion of the 39th anniversary of the Green March (Morocco’s invasion into Western Sahara) on 6 November 2014. Full text available here: <<http://www.map.ma/en/discours-messages-sm-le-roi/hm-king-delivers-speech-nation-39th-anniversary-green-march>>.

¹⁴ See *e.g.* the Human Rights Watch report about the Saharawi Association of Victims of Grave Human Rights Violations (ASVDH): Human Rights Watch, “Freedom to Create Associations: A Declarative Regime in Name Only”, 2009, pp. 22-23. Robert F. Kennedy Center for Justice and Human Rights reports about the lack of legal recognition for the Collective of Saharawi Human Rights Defenders (CODESA), “The Moroccan Government Continues Systematic Violations against the Sahrawi People: Reported human rights violations, September 2013-February 2014”, 2014.

to determine the status of the territory and its resources – is a basic human right.¹⁵ Many of the involved companies cite that they do not engage in politics, and that it is a matter for the UN to resolve. They therefore see no issue with their participation in Morocco's exploitation of Western Sahara's resources. Saharawis have often raised the concern that their already bleak human rights situation will only grow worse as Morocco's unlawful claim over their territory will be strengthened due to foreign companies' dealings with the Moroccan government over Saharawi resources. Companies have only rarely ever responded to this concern. For many companies, the drive to make profit outweighs adherence to CSR principles and respect for human rights when becoming engaged in occupied Western Sahara, including to the extent that they are willing to surpass the idea of independent, transparent and correct consultation by outsourcing it completely or partially to the Moroccan government, as examples cited under question four will illustrate.

3. What type of action should be taken to mitigate these challenges?

The UN Security Council has a foremost obligation to act, and here consistent with the Legal Opinion it received in 2002. It should also take steps to realize its central responsibility to arrange for the Saharawi people a referendum for self-determination that has with it, as international law requires, the elective choice of independence. There is ample evidence that resource exploitation in Western Sahara is not done in accordance with the wishes and the interests of the Saharawi people. Furthermore, the resources are not exploited or developed in a manner that assists the Saharawi people in the exercise of their right to self-determination. This should be sufficient impetus for the UN Security Council to act, and beginning with a strong condemnation of the ongoing resource exploitation in Western Sahara. The Security Council should call for an immediate halt to the plunder, or – should it consider that the exploitation can continue pending the process of decolonization – put the proceeds of the resource trade under international administration until the conflict has been peacefully resolved. We note that the Saharawi people, through their government, have recently urged such a step in a letter to the UN Secretary-General this 26 January.¹⁶

The international community should take a stronger approach with Morocco with regard to the rights of Saharawis who strive for self-determination, including their right to peaceful assembly and association. A revision of the Moroccan Constitution is called for, to bring it in line with Morocco's obligations under the different Covenants and Treaties it has signed up to.

A stronger enforcement of the principles of Corporate Social Responsibility could to a certain extent enhance the promotion of human rights in Western Sahara, including the rights of peaceful assembly and association. International companies involved in the trade of Western Sahara resources, that thereby strengthen Morocco's claim over the territory and provide the occupation with a certain degree of acceptability, should be delisted from the UN's Global Compact Initiative. It is most laudable that a UN Initiative as Global Compact gives companies a chance to promote themselves by signing up to CSR principles. At the same time, it is incomprehensible that there are no repercussions whatsoever when those same companies violate those principles, e.g. through providing a corporate

¹⁵ John G. Ruggie, *Just Business: Multinational Corporations and Human Rights* (New York, NY: W.W. Norton & Co., 2013).

¹⁶ Letter of the SADR President to the UN Secretary-General, 26 January 2015, above note 8.

cover for the wide-spread human rights violations in Western Sahara through entering in contracts with the Moroccan authorities.

4. Please provide any specific case studies illustrating natural resource exploitation activities which you believe had a positive or negative impact upon FOAA rights, for example: (1) suppression or facilitation of lawful/peaceful protests regarding a project; (2) harassment or facilitation of civil society or grassroots groups involved in opposing a project; (3) outcomes when consulting – or filing to consult – with affected communities; (4) harassment/violation/sexual abuse committed particularly against women; (5) involvement of private security companies; (6) role of the trade unions in these contexts. We would especially appreciate examples that demonstrate how government or business action helped or hurt the protection and promotion of FOAA rights.

The more salient recent example is the tragedy of the 2010 Gdeim Izik protest camp, where thousands of Saharawis gathered in tents in the desert to protest of their social and economic marginalization which starkly contrasts Morocco's continued earning of revenue through the sale of their territory's resources.¹⁷ The camp was violently dismantled and burned down by Moroccan security forces. Clashes erupted, resulting in fatalities and injuries on both sides. A criminal investigation in Spain ensued. There is no accurate report on the number of victims, as the Moroccan authorities did not allow independent observers, including the UN mission MINURSO in the territory, to access the site for several days. In the aftermath, hundreds of Saharawis were arrested. Most were released after having spent considerable time in jail without formal charges against them. A group of 25 men remained in jail for two years, and were sentenced by a military court on 17 February 2013 to sentences ranging from 20 years to life-imprisonment. Their trial was considered flawed from the out-set, as the only evidence against them were confessions obtained under torture about having taken part in armed violence.¹⁸ (We note that the trial of civilian persons under occupation in a military court outside of their territory is a clear violation of the *Fourth Geneva Convention*, 1949). Among those men is the leader of a Saharawi association that campaigned Morocco's natural resource plunder in the territory. He has been sentenced to life without any evidence against him.

Saharawi protests in the Moroccan occupied parts of Western Sahara are in general responded to with violence on the part of the massive Moroccan security presence inside the territory.¹⁹ The same applies to protests concerning natural resource exploitation, or attempts to meet foreign observers on the topic. We here provide some examples, which can be viewed as illustrative of a wide-spread practice.

- Sidi Mohamed Aloat is a Saharawi citizen in occupied Western Sahara, who in June 2014 took to the streets of his hometown El Aaiun to protest against Kosmos Energy's plans to drill for

¹⁷ See *e.g.* Report of the UN Secretary General on the situation in Western Sahara, S/2011/249.

¹⁸ See *e.g.* Human Rights Watch, "Morocco: Tainted trial of Sahrawi civilians" 1 April 2013, <<http://www.hrw.org/news/2013/04/01/morocco-tainted-trial-sahrawi-civilians>>. Further information on the common practice of extracting confessions under torture are described in the report of the UN Special Rapporteur on Torture on his mission to Morocco, A/HRC/22/53/Add.2 of 28 February 2013.

¹⁹ See *e.g.* report of the UN Secretary General on the situation in Western Sahara, S/2014/258, §5 and 6.

oil in Western Sahara. He was brutally attacked by the Moroccan police and cut with razor blades.²⁰

- In April 2014, a young Saharawi woman who wanted to film a protest against Kosmos Energy in Boujdour, was attacked and beaten. The protesters were immediately stopped, their banners confiscated and several of the protesters (all of them were women) were harassed on the street. A European delegation witnessed the event.²¹
- Saharawis cite great difficulties in protesting against the oil drilling done by Kosmos Energy: protests are caught in their inception police immediately (and often violently) intervene, people feel a great sense of intimidation and fear. Some of the protests have therefore taken place essentially privately, indoors or in the desert.
- In March 2014, a peaceful protest of unemployed Saharawi fishermen in the harbor of El Aaiun was dispersed by the Moroccan police. Saharawi fishermen are generally unemployed, as job opportunities aboard Moroccan or foreign vessels (e.g. EU vessels) are given to Moroccan settlers or fishermen from Morocco proper. Nine protesters were arrested and threatened with incarceration should they ever protest against EU fishing in Western Sahara again.²²
- Throughout 2014, a large number of foreign observers were expelled from Western Sahara for attempting to meet with Saharawis to inquire about their human rights situation and to obtain their views of Morocco's resource exploitation.²³
- On 10 December 2013 hundreds of Saharawis were reportedly injured following a violent intervention by the Moroccan police when they marched in protest of EU fisheries in Western Sahara.²⁴ A similar protest several days was also violently scattered by Moroccan security personnel.²⁵

The complete lack of consultation of the Saharawi people is alarming, all the more so given the Moroccan government's complete control over the process of identifying stakeholders in the event that a business partner would require civil society consultation. In 2013, the European Commission retained the consultancy firm ECORYS to undertake an impact assessment of EU plans to negotiate a Deep and Comprehensive Free Trade Agreement with Morocco.²⁶ As the EU consistently fails to exclude the Moroccan occupied areas of Western Sahara from its trade (and fisheries) deals with Morocco, the minimal expectation was that it would assure itself of the meaningful consultation of

²⁰ Photos and video material are available at <<http://www.wsrw.org/a228x2913>>. Further information on Kosmos Energy's activities can be found in our report of October 2014, "A Platform for Conflict", available via <<http://www.wsrw.org/a106x2985>>.

²¹ More details can be found here: <<http://www.wsrw.org/a228x2883>>.

²² WSRW, "9 detained, threats of jail if demonstrating against EU fisheries", 14 March 2014, <<http://www.wsrw.org/a228x2859>>.

²³ See e.g. WSRW "Expelled after doing interviews on Glencore-Seabird oil exploration", 13 December 2014, <<http://www.wsrw.org/a105x3100>>, The Norwegian Support Committee for Western Sahara, "5 Norwegian groups expelled from Western Sahara this year", 28 December 2014, <<http://vest-sahara.no/a49x2157>>, WSRW, "Member of WSRW detained by Moroccan police in occupied Western Sahara", 20 April 2014, <<http://www.wsrw.org/a228x2889>>.

²⁴ WSRW, "Strong Saharawi denunciation of EU agreement over their resources", 12 December 2015, <<http://www.wsrw.org/a217x2776>>.

²⁵ WSRW, "Many injured in protest against EU/Spain fish plans in Western Sahara", 7 December 2013, <<http://www.wsrw.org/a217x2749>>.

²⁶ For further information, please see <<http://www.trade-sia.com/morocco/>>.

the Saharawi people. Yet this did not happen. The Moroccan government had, however, provided the European Commission and the ECORYS with a list of organizations to consult. Some of those organizations and associations were based in towns located in Western Sahara, but were clearly ones that would reliably represent Morocco's business interests in the territory. Not a single Saharawi organization had been included.²⁷ In reply to its Draft Inception Report, WSRW recommended ECORYS in April 2013 to include the Saharawi people in the consultation process and invite organizations representative of the Saharawi people to take part in the Rabat workshop in June.²⁸ This recommendation was at first accepted, yet later on dismissed with the explanation that "a matter of sovereignty does not fall in our ambit".²⁹

A more recent example concerns the visit of a consultancy team of the American oil company Kosmos Energy to the territory in September 2014. Instead of meeting with Saharawi organizations, the company met with organizations picked from a list it had received from the Moroccan government. That list consists of Moroccan officials and pro-Moroccan aligned groups that have been carefully vetted by the Moroccan government to make sure they will not say anything that strays from the official propaganda, namely; there are no problems in "the southern provinces" and Kosmos Energy is very welcome in the territory.³⁰ Furthermore, Kosmos Energy's partners that helped that company in its on-the-ground work for so-called stakeholder engagement and social investment, represented the Moroccan position in the conflict.³¹ The company has also engaged a Moroccan publicity/media relations expert, known for her active international lobbying on behalf of the Moroccan government to further its agenda with regard to Western Sahara, to write its "Social Impact Assessment".³²

Finally, we wish to highlight some cases where companies or governments that had been made aware of the human rights situation in Western Sahara – often through consultation of Saharawis facilitated by WSRW or through persuasion by ethical investment firms or ethically motivated governments – chose to withdraw from engaging in the exploitation of Western Sahara.

- Norwegian engineering company Mesta canceled its salt purchase deal with the American salt producer Crystal Mountain located in occupied Western Sahara "because of the violations of human rights in the territory ... Our priority is to have serious suppliers that base their work on ethics and human rights".³³
- In December 2014, the Swedish government AP Fund and the Norwegian KLP local government pension scheme excluded the Canadian company Agrium Inc. from their

²⁷ See the list of identified stakeholders in the annexes to the Draft Inception Report, available at: <http://www.trade-sia.com/morocco/wp-content/uploads/sites/2/2013/03/NL1026604-Draft-IR-Morocco_website21.pdf>.

²⁸ The list of participants in the Rabat workshop regarding the impact assessment of the envisioned EU-Morocco DCFTA is available here <<http://www.trade-sia.com/morocco/wp-content/uploads/sites/2/2013/07/Report-on-civil-society-workshop-Rabat2.pdf>>. It does not include a single Saharawi organization.

²⁹ Email exchange between WSRW and ECORYS, from April to July 2013.

³⁰ For further information, please see <<http://www.wsrw.org/a228x2963>> and "Kosmos partners in Sahara look for the wrong answers", 3 October 2014, <<http://www.wsrw.org/a228x2971>>.

³¹ For a detailed report about Kosmos Energy's stakeholder consultation and their partners on the ground, please see <<http://www.wsrw.org/a228x2971>>.

³² Read more about Naima Korchie here: <<http://www.wsrw.org/a228x2949>>.

³³ WSRW, "Rejected salt imports from Western Sahara due to human rights", 18 December 2014, <<http://www.wsrw.org/a105x3118>>.

portfolios due to “violations of human rights through imports of phosphates from occupied Western Sahara”.³⁴ The Swedish government pension fund had already removed Canadian phosphate importer Potash Corporation and the Australian company Incitec Pivot in 2013, for the same reason.³⁵ WSRW’s June 2014 report “P for Plunder” details more cases of divestment over human rights concerns, with an overview of the Western Saharan phosphate trade for 2012-2013.³⁶

- Norwegian technology firm Aker Solutions withdrew further service to the construction of Kosmos Energy’s chartered oil rig that would be used for drilling oil in occupied Western Sahara in late 2014. “If we had known that the equipment would be used in Western Sahara, we would not have signed the agreement”, the firm announced in Norwegian media.³⁷

5. What measures/actions would you recommend that States, businesses and individuals take to enhance the promotion and protection of freedom of peaceful assembly and of association in their policies, projects, goals and other engagements with civil society?

1. Respect for international law, including the legal obligations for the protection of a civil population under occupation.
2. Respect for the UN self-determination process, including the right to choose independence as is guaranteed by the UN Charter, international law, and the explicit agreement of the UN, Morocco and the Polisario Front from 1988 through 1991.
3. Assurance that human rights monitoring is carried out by unimpeded, credible, third party observers throughout Western Sahara; both in the part under Moroccan control and in the part that is under the control of the Polisario Front.
4. Assurance that the free, prior and informed consent of the Saharawi people is granted, in circumstances where they have not faced duress or coercion, for the development of their natural resources.
5. Assurance that the resource development in Western Sahara should be to the benefit of the Saharawi people, including those persons who reside in the Algerian refugee camps.

³⁴ WSRW, “Swedish government fund blacklists Agrium over Sahara imports”, 15 December 2014, <<http://www.wsrw.org/a105x3107>> and WSRW “Investor blacklisted Agrium for imports from occupied Western Sahara”, 1 December 2014, <<http://www.wsrw.org/a105x3078>>.

³⁵ WSRW, “Swedish government pension fund blacklists Sahara importers”, 30 September 2013, <<http://www.wsrw.org/a217x2664>>.

³⁶ See WSRW’s 2014 report “P for Plunder” at: <http://www.wsrw.org/files/dated/2014-06-11/p_for_plunder_2014_web.pdf>.

³⁷ WSRW, “Supplier to controversy rig withdraws further service”, 17 March 2014, <<http://www.wsrw.org/a228x2866>>.